

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-16-04)**  
**ALANA AND WILLIAM MYERS**  
**April 19, 2016**

This is a report to the Flathead County Board of Adjustment regarding a request from Alana and William Myers for a Conditional Use Permit to allow for a “Recreational facility, high impact” and ‘Caretaker’s Facility’ on the subject property and intended to enable the legal use of the property for a commercial wedding facility. The subject property is located within the Bigfork Zoning District and is zoned ‘SAG-5 Suburban Agricultural.’

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on May 3, 2016 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

This space is reserved for an update regarding the April 28, 2016 Bigfork Land Use Advisory Committee review of the proposal.

**B. Board of Adjustment**

This space is reserved for an update regarding the May 3, 2016 Flathead County Board of Adjustment review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

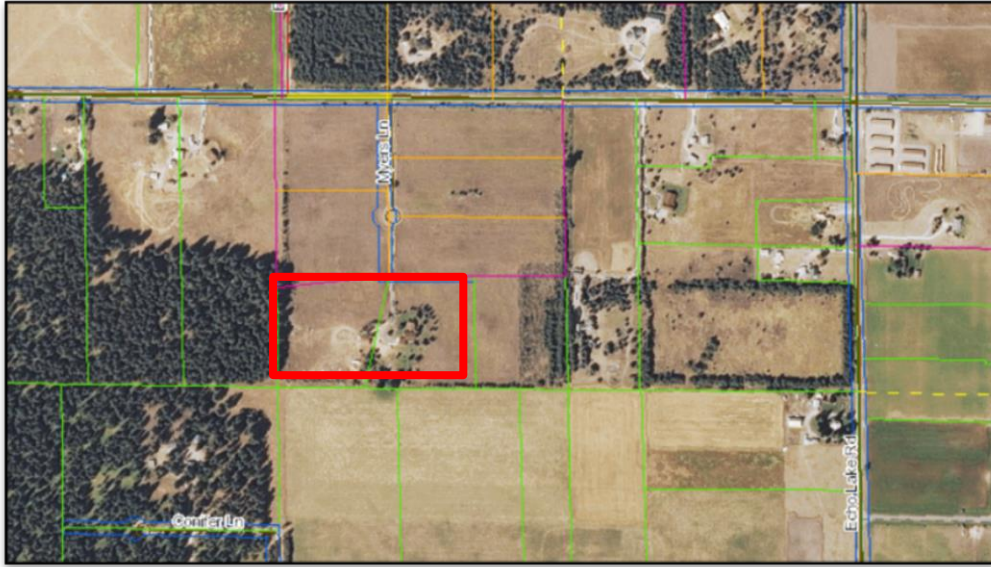
**i. Landowner**

Alana and William Myers  
1010 Myers Lane  
Bigfork, MT 59911

**B. Property Location and Size**

The subject property is located at 1010 Myers Lane approximately 800 feet south of McCaffery Road. The applicant owns 40 acres and 8 lots; however the proposed ‘Caretaker’s Facility’ and ‘Recreational facility, high impact’ will be located on two tracts approximately 10.3 acres in size. The 5 northern tracts that are within the Ten Arrows Ranch Subdivision (FSR-03-37) are not a part of this request and neither is the southeastern tract (Tract 4D). The property can be legally described as Tract 4 and 4E in Section 17, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in red)



**C. Existing Land Use(s) and Zoning**

The property is located within the Bigfork Zoning District and is zoned ‘SAG – 5 Suburban Agricultural,’ a designation intended to, *“Provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development”* [Section 3.08.010 Flathead County Zoning Regulations (FCZR)]. The property is currently developed with a single family residence, a small cabin, and various outbuildings. In addition to a single family residence, the applicant has held commercial wedding ceremonies and receptions on the subject property in the past which has resulted in zoning complaints submit to the Flathead County Planning and Zoning Office.

**Figure 2:** Zoning surrounding the subject property (outlined in red)



**D. Adjacent Land Use(s) and Zoning**

The properties to the south and west are SAG-10, and the properties to the north and east are zoned SAG-5. The properties directly to the north and east are owned by the applicant and are currently vacant, open space. The properties to the south contain single family homes and agricultural uses. Directly west of the subject property is land that is forested, with single family homes.

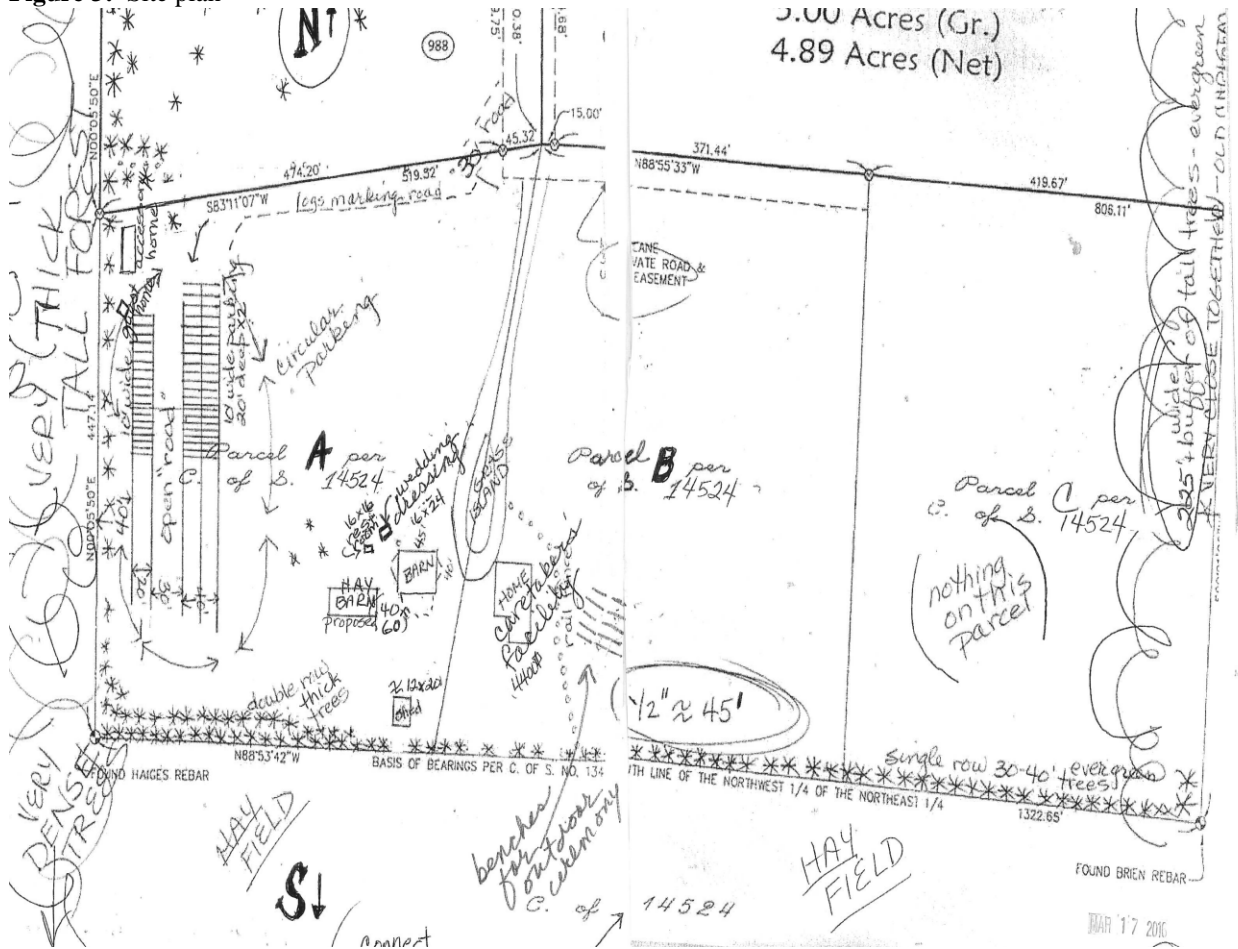
**E. Summary of Request**

The applicant is requesting a Conditional Use Permit for a Recreational Facility—High Impact in order to establish a wedding venue and a caretaker’s facility on approximately 10 acres in the SAG-5 zone. There is quite a bit of history associated with the property, including several previous Conditional Use applications and zoning violations that will not be mentioned in this report. This particular application should be reviewed on its own merits, taking into consideration the application materials as well as all comments received both verbal and written. After the Board of Adjustments reviews all of the pertinent information and has taken all comments, the Board will adopt the appropriate Findings of Fact and either approve the request with conditions or deny the request.

The applicant owns 8 lots totaling 40 acres; however the proposed ‘Caretaker’s Facility’ and wedding facility will be located on the southern two tracts approximately 10.32 acres. The two tracts (Tracts 4 & 4E) where the proposed use would take place is tract land and not a part of a platted subdivision and do not require subdivision review under the Montana Subdivision and Platting Act (review under the Sanitation and Subdivision Act will be addressed) as a part of this request. One tract will be for parking and the reception and the second will be for the ceremony and caretaker’s facility (see Figure 3 below).

In 2003 the subject property was approved for a zone change from SAG-10 to SAG-5 (FZC-03-16). At the time the applicant stated as one of the reasons for the zone change, was to allow for some of their 10 children to build next to them on less than 10 acres. After the zone change was approved the applicants went through the process of dividing the northern 25 acres through subdivision review creating five lots. The southern three lots are tract land and the applicant is proposing to utilize two of those lots for the wedding facility and ‘Caretaker’s Facility.’ Tract 4E contains the applicant’s current house which the applicant is proposing to use as the ‘Caretaker’s Facility’ and ceremony area and Tract 4 contains the applicant’s accessory buildings which the applicant is proposing to use for wedding receptions as well as parking area.

**Figure 3: Site plan**



The applicant would like to use the subject property for wedding ceremonies and receptions in accordance with the Flathead County Zoning Regulations. The applicant is requesting a Conditional Use Permit for wedding facility because the anticipated traffic generated and the land intensity for the wedding facility is above the threshold for a low impact recreational facility. The threshold for traffic is a use that generates greater than or equal to 20 trips per hour at peak hour and 75 trips per day. The applicant has stated the average number of cars coming to past events has been between 40 and 45 with a high of 72. The threshold for land intensity is a facility that requires more than twice the minimum lot size determined by the district classification. The property is zoned SAG-5 and the minimum lot size is 5 acres. The applicant is proposing to use 10.32 acres for the wedding facility. 'Recreational facility, high impact' is listed as a conditional use and requires a Conditional Use Permit within the SAG-5 zoning [Section 3.08.030(20)].

Recreational facility is defined as, "A structure or use of property not otherwise listed in these regulations to accommodate the enjoyment, healthful activities, and leisure of the facility's users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement. Recreational facilities are defined as being either

*‘high impact’ or ‘low impact’*” [Section 7.17.040 FCZR]. The proposed wedding facility would meet the definition of ‘Recreational facility, high impact’ because the use is not otherwise listed in the regulations, wedding facility would accommodate the enjoyment, healthful activities, and leisure of the facility’s users and the examples given would have similar or higher impacts to the proposed wedding facility provided in the definition. Some of the uses listed for high impact are fair grounds, ski area, and zoos.

The applicant is proposing to utilize the existing dwelling as the ‘Caretaker’s Facility.’ Currently the tract shown on the site plan where the ceremonies will take place is the same tract on which the single family dwelling is located. Having both the single family dwelling and high impact recreational facility on the same tract would create multiple principle uses on a single tract because both the single family dwelling and high impact recreation facility are principle uses. Per Section 3.03.020(3) of the Flathead County Zoning Regulations (FCZR), *‘only one principle uses shall be allowed per tract of record in the following zones; AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1 and B-1.’* Multiple principle uses are not allowed in the SAG-5 zone. Therefore the applicant is also applying for a conditional use permit for a ‘Caretaker’s Facility’.

If approved the single family dwelling would become a ‘Caretaker’s Facility’. A ‘Caretaker’s Facility’ is defined as, *‘A dwelling which is constructed and designed to provide living quarters for the caretakers and/or property managers and is clearly subordinate to the principle use with regard to size and location,’* per Section 7.04.025 FCZR. If the ‘Caretaker’s Facility’ is subordinate to the principle use (high impact recreation facility), there would not be multiple principle uses on the tract on which the dwelling is located. It should be noted that the Caretaker’s Facility would continue to be recognized as a single family dwelling.

The placement of a wedding facility in a SAG-5 zone requires the issuance of a Conditional Use Permit and a ‘Caretaker’s Facility’ in SAG-5 requires the issuance of an administrative Conditional Use Permit, the review of both are subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit. This staff report is a review of the applicants request for a Conditional Use Permit to allow for a ‘Caretaker’s Facility’ and wedding facility on the subject property.

It should also be noted that the site plan submitted with the application shows the future location of an Accessory Dwelling Unit (ADU) and a Guest House. These are both permitted accessory uses in the SAG-5 zone. However, if the Conditional Use Permit is not approved for the wedding facility, the existing dwelling unit identified as the “wedding dressing cabin” will become either the ADU or the Guest House. Also identified on the site plan is a structure dedicated to restroom facilities for the guests. The applicants state that this facility will be handicapped accessible.

In an effort to reduce the potential impact to the area, the applicants have volunteered a number of conditions to be placed if the Board of Adjustments approve this request. The first condition is that they will schedule no more than 26 weddings in a calendar year once the “hay barn” has been developed. Prior to that structure’s construction,

they have offered to limit the number of weddings between the months of April through October to no more than 20. The applicants have also offered to notify the Planning Department when the events are scheduled. The applicants have also offered to limit the total number of guest to no more than 250. To address potential noise issues, the applicants state that any amplification during the ceremonies will be directed south. In addition, any amplified music will be confined to inside of the existing barn and be required to be halted no later than 10:15pm. Further, all guest will be required to leave the property no later than 11:00pm.

#### **F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on April 15, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the April 17, 2016 edition of the Daily Interlake.

#### **G. Agency Referrals**

Referrals were sent to the following agencies on June 30, 2014:

- Flathead County Road and Bridge Department
  - Reason: The property is located on a county road, and has the potential to impact county facilities.
- Flathead County Solid Waste (FCSW)
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact county facilities.
- Bigfork Fire Department
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact Bigfork Fire Department response.
- Flathead City-County Environmental Health Department
  - Reason: The property is located within the department's jurisdiction.
- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department' jurisdiction and new construction could lead to the development of weeds on the subject property.
- State Building Department
  - Reason: The applicant is proposing to use an existing barn for receptions, and modification may be required to meet state building codes for a commercial structure.
- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referrals.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

This office has received nineteen (19) public to date regarding this request. All but three of the comments received have expressed opposition to this request, stating approval would negatively impact the quiet nature of the area, generate increased traffic, and decrease property values. It is anticipated any individual wishing to provide additional public comment on the proposal will do so during the Bigfork Land Use Advisory Committee public hearing scheduled for April 28, 2016 or the Board of Adjustments public hearing scheduled for May 3, 2016. Any written

comments received following the completion of this report will be provided to the Board of Adjustment and the Bigfork Land Use Advisory Committee and summarized during the public hearings.

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bigfork Fire Department—Mick Borges, Interim Fire Chief
  - Comment: “The state of Montana building inspector Rob Morris or the state of Montana Assistant Fire Marshall Dawn Grollinger are the ones that we consult with. Bigfork Fire does not have the authorization to make these decisions. We have no building codes.” Email dated March 29, 2016
- Bonneville Power Administration
  - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Email dated March 29, 2016
- Flathead City-County Environmental Health Department
  - Comment: “This office has reviewed the information provided and submits the following comments:
    - This proposal affects separate parcels of land, each having an individual approval by Certificate of Subdivision Approval issued by Montana DEQ. Parcel B of COS 17853 (Parcel A of layout in application) has approval for two (2) individual dwelling units and Parcel C of COS 17853 (Parcel B of layout in application) has approval for one (1) individual living unit. The proposed change in development requires review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, storm water drainage and solid waste. An environmental consultant must be retained for this process.
    - Fugitive dust from traffic and unpaved parking areas must be controlled.
    - Current Certificate of Subdivision Approval (COSA) land survey attached.” Letter dated April 13, 2016
- Flathead County Road and Bridge Departments
  - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated April 5, 2016
- Flathead Solid Waste District
  - Comment: “If the conditional use permit is granted any and all solid waste generated at the proposed location will need to be hauled by a private hauler to the landfill. Allied Waste is the (PSC) Public Service Commission licensed hauler in this area.” Letter dated April 13, 2016.

#### **IV. CRITERIA REQUIRED FOR CONSIDERATION**



Per Section 2.06.090 of the Flathead County Zoning Regulations, *“The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment and a refusal is not a denial of a right, conditional or otherwise.”* Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows is an evaluation based on the criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

**A. Site Suitability**

**i. Adequate Usable Space**

In the ‘SAG-5’ zone, the minimum lot size is 5 acres. The subject property consists of two tracts greater than or equal to 5 acres in size. Tract 4 contains the barn, multiple outbuildings, a cabin which the applicants identified as the “wedding dressing cabin, and a large open space that is identified on the site plan as parking. The site plan also shows a future “hay barn” and a structure that will be used for restroom facilities for wedding guests along with the future ADU and Guest House. Tract 4E contains the house which the applicant is proposing as the ‘Caretaker’s Facility.’ The total area of the subject property is approximately 10.32 acres in size.

Section 4.04.010(2) FCZR states, *“In SAG-5, R-2.5 and R-1 districts the parcel on which the caretaker’s facility is located shall be double the lot size of the underlying district minimum lot size.”* The subject property is located within the SAG-5 district and the minimum lot size in a SAG-5 district is 5 acres. The tract in which the ‘Caretaker’s Facility’ is located would need to be 10 acres in size. Tract 4E is currently 5.32 acres and would not currently meet this standard. Because the applicant is proposing to use two tracts of land that total 10.32 acres a lot aggregation would need to be completed prior to the operation of the high impact recreational facility and the ‘Caretaker’s Facility’. The applicant has stated that a lot aggregation will be completed if the conditional use permit is approved. Approval of this conditional use permit would be conditioned accordingly.



**Figure 5:** Future ‘Caretaker’s Facility



The bulk and dimensional requirements of the SAG-5 zone list maximum building height, setbacks and permitted lot coverage. The permitted maximum lot coverage is listed as ‘25% (*Residential Uses*)’ and no lot coverage is specified for non-residential uses in the SAG-5 zone. When bulk and dimensional requirements are not specified within a zone it has been interpreted to mean that no bulk and dimensional standards apply to that zoning designation. It has been determined that the 25% lot coverage applies to residential uses only in the SAG-5 zone. In this case the proposed ‘Caretaker’s Facility’ and other accessory structures would be considered residential and lot coverage would be applicable. The wedding facility is not considered residential and lot coverage would not apply to that use.

Tract 4E, proposed for the 'Caretaker's Facility' and wedding ceremonies is approximately 5.32 acres in size. The future 'Caretaker's Facility' has a foot print of approximately 2,857 square feet and covers approximately 1.2% of Tract 4E, and therefore there appears to be adequate usable space on the tract for outdoor weddings as the proposed lot coverage of 1.2 % is under the permitted lot coverage of 25% for residential uses in a SAG- 5 zone.

**Figure 5:** Barn on the subject property



Proposed for wedding reception and parking, Tract 4 is approximately 5.0 acres in size and the applicant is proposing to install a new septic field, restrooms, hay barn, future ADU, and Guest House on Tract 4. According to the applicant the barn which will be used for the wedding receptions is approximately 44 feet by 38 feet or 1,672 square feet. The proposed hay barn would be 40 feet by 60 feet or 2,400 square feet and the proposed bathroom facility would be 16 feet by 16 feet, approximately 256 square feet. The "wedding dressing barn" is 16 feet by 24 feet or 384 square feet in size. While the size of the future ADU and Guest House is not identified on the site plan nor is the exact area of the parking area, there appears to be ample usable space on the property for all of the proposed uses.

**Figure 6:** “Wedding Dressing Barn”



The site plan submitted with the application does not clearly outline the total area of the parking area, the narrative states that the parking area will accommodate up to 108 cars. The site plan indicates the parking area will be on the western portion of the property and be located 40 feet from the west property line. The parking spaces will be 10 feet by 20 feet with adequate space to access parking spaces. The applicants also propose the parking area will remain grass with adequate dust control measures in place.



**Figure 7:** Parking area



The setbacks for a principal structure within the SAG-5 zoning are 20 feet from all property boundaries and the setbacks for accessory structures within the SAG-5 zoning are 20 feet for front and side corner and 5 feet for side and rear property boundaries. The structures appear to meet the setback requirements. While the submitted application lacks accurate technical detail regarding building dimensions, it appears there is adequate usable space to accommodate the proposed uses on the properties.

**Finding #1** – At present, Tract 4E does not have adequate usable space for the proposed ‘Caretaker’s Facility’ because in SAG-5 districts the parcel on which the caretaker’s facility is located shall be double the lot size of the underlying district minimum lot size, the minimum lot size in a SAG-5 district is 5 acres and the tract would need to be at least 10 acres. This issue may be remedied with a condition of approval to combine Lots 4 and 4E to meet the appropriate requirements.

**Finding #2** – While the application does not provide the dimensions for all of the existing structures or the future ADU and Guest House, there appears to be adequate usable space on visual observation and consideration of lot dimensions and applicable setback requirements of the SAG-5 district.

**ii. Adequate Access**

The subject property is located on Myers Lane which is a 20 foot wide, paved two lane private road within a 60 foot private road and utility easement. The

subject property will be accessed from a private driveway via Myers Lane. Myers Lane is accessed from McCaffery Road a 24 foot wide, paved two lane county collector. The application states, “North side of 40 acre property fronts a designated County Classified Collector Road. [...]. A perpendicular county standard, 20’ wide private road and easement leads in a straight line north and south, between Caretaker’s Facility and barn. A standard county cul-de-sac sits in approximately the middle of the 40 acres for use of emergency vehicles.”

The paved portion of Myers Lane ends approximately 225 feet north of the subject property. The 60 foot private road and utility easement (Myers Lane) extends to the north property line of the subject property. There appears to be adequate access and site distances to accommodate both proposed uses on the property.

**Figure 5:** Myers Lane in front of subject property



**Finding #3** – There is adequate access for the proposed uses because, even though the paved segment of the private road and utility easement ends 225 feet north of the subject property, the easement extends to the north property line of the subject property and there is adequate sight distance for vehicles to safely enter and exit the property.

**iii. Absence of Environmental Constraints**

The subject property is relatively flat with no significant elevation changes. The subject property is primarily open space with trees on two sides and is covered in grass. The subject property is located on FEMA FIRM panel

30029C 2310G and the lot is located in an un-shaded Zone X which is classified as an area outside the 500-year floodplain. Additionally, there are no wetlands, streams, or creeks located on the parcel, and there appears to be no other environmental constraints.

**Finding #4** – The property appears to have no environmental constraints because the property is flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.

## **B. Appropriateness of Design**

### **i. Parking Scheme**

Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 X 20 feet and driving lanes for two-way traffic should be a minimum of 24 wide. However, the applicants' site plan indicates the individual parking spaces will be 10 X 20 feet and the driving lane for two-way traffic will be 30 feet in width. The subsequent proposed parking area for 108 vehicles would be approximately 10,000 square feet.

Seeking guidance on the required number of parking spaces, the closest uses listed in the parking regulations to a wedding facility would be for 'Convention and meeting facilities, sole use' found in Section 6.03.050 FCZR and 'Auditoriums, theaters, churches or other places of assembly' [Section 6.06.07]. Both of these uses require 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater. As the barn is approximately 1,800 square feet and the proposed hay barn is approximately 2,400 square feet, a total of 105 parking spaces would reasonably be required considering the potential intensity of the proposed use and the cited standards.

The site plans show a driving lane between the parking spaces 30 feet wide for two-way traffic and the parking spaces are shown as 10 feet by 20 feet, all of which meets the requirements set forth in Appendix A [FCZR]. The site plan shows demarcated parking spaces and Section 6.01.030 [FCZR] requires all established parking spaces to be clearly designated and demarcated for uses. All parking surfaces must be designated properly by painted lines or other methods of demarcation, per Section 6.14.010 FCZR.

The application states, "Dust abatement will be with at least weekly watering of any area where there is no vegetation holding the dirt." Per Section 6.13.010(3) FCZR businesses located within a B, BR, CVR, CCC, I and P zoning designation require that all parking areas and access driveways shall have at a minimum, "A smoothly graded stabilized dust free surface that has been treated with dust retardants or paved." Requiring paving for the parking lot and driving lanes seems unreasonable considering it is not required for uses in business zones, however requiring the use of dust retardants seems acceptable, especially considering written comment from Flathead City-County Environmental Health Department.

Two parking spaces per dwelling unit are required per Section 6.02 FCZR. Because the 'Caretaker's Facility' is defined as a dwelling, per Section 7.04.010 FCZR, two parking spaces are required for the 'Caretaker's Facility'. The

‘Caretaker’s Facility’ has a two-car garage which provides the required parking. In addition, the “wedding dressing barn,” and the future ADU and guest house will require six additional parking spaces. Based on the applicant’s submitted site plan and staff’s site visit to the subject property, there appears to be adequate space for the required parking.

**Finding #5** – The parking appears acceptable because the parking area allows for approximately 108 parking spaces for the wedding facility and 105 spaces would be required, the ‘Caretaker’s Facility’ contains a two car garage, the parking spots shall be demarcated and the parking and traffic surfaces can be required to be treated with dust abatement measures prior to each event. The future ADU and Guest House will be required to provide adequate parking.

**ii. Traffic Circulation**

The site is accessed from Myers Lane via McCaffery Road. Myers Lane is a paved 20 foot wide two lane private road, within a 60 foot road and utility easement. The paved portion of Myers Lane ends approximately 225 feet north of the subject property. The 60 foot private road and utility easement extends to the north property line of the subject property.

The application states, “The open flat land makes it very easy to disperse parking and turn around circulation, as seen on the site plan submitted and prepared by Dwayne Shults, Architect with Nick Fullerton. There will be directional signs to direct traffic once on the property.”

The ‘Caretaker’s Facility’ is accessed via a 12 foot wide paved driveway with a loop at the end which provides an area for vehicles to turn around. The proposed driveway off of Myers Lane, for the wedding facility, is shown as 24 feet on the site plan and would be adequate for two-way traffic. The site plan shows a driving lane between the parking spaces 30 feet wide for two-way traffic with 90 degree parking, which meets the requirements set forth in Appendix A [FCZR]. The site plan also indicates the driving area from Myers lane to the parking area.

**Finding #6** – The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can be required to meet standards set forth in Appendix A [FCZR] regarding parking spaces and traffic aisle dimensions and demarcation.

**iii. Open Space**

The bulk and dimensional requirements of the SAG-5 zone list maximum building height, setbacks and permitted lot coverage. The permitted maximum lot coverage is listed as ‘25% (*Residential Uses*)’ and no lot coverage is specified for non-residential uses in the SAG-5 zone. When bulk and dimensional requirements are not specified within a zone it has been interpreted to mean that no bulk and dimensional standards apply to that zoning designation. It has been determined that the 25% lot coverage applies to residential uses only in the SAG-5 zone. In this case the proposed ‘Caretaker’s Facility’ and other accessory structures would be considered residential and lot



coverage would be applicable. The wedding facility is not considered residential and lot coverage would not apply to that use.

Tract 4E is approximately 5.32 acres in size. The 'Caretaker's Facility' is approximately 2,857 square feet and covers approximately 1.2% of Tract 4E. The applicant is also proposing to have wedding ceremonies on Tract 4E. There appears to be appropriate open space on the tract because the 'Caretaker's Facility' only covers approximately 1.2% of the tract. The proposed lot coverage of 1.2 % is under the permitted lot coverage of 25% for residential uses in a SAG- 5 zone.

Proposed for wedding reception and parking, Tract 4 is approximately 5.0 acres in size and the applicant is proposing to install a new septic field, restrooms, an ADU, a Guest House, and hay barn on Tract 4. According to the applicant the barn which will be used for the wedding receptions is approximately 44 feet by 38 feet or 1,672 square feet. The applicant has stated that a previously used tent will be replaced by a new hay barn. The proposed hay barn would be 40 feet by 60 feet or 2,400 square feet and the proposed bathroom facility would be 16 feet by 16 feet, totaling approximately 256 square feet. According to the applicant, "Bathroom facility will be 25' directly northwest at 90 degree point from northwest corner of existing barn." The applicant has not provided the exact dimensions of the future ADU or Guest House and there are other small accessory buildings on Tract 4, so it is difficult to determine the exact lot coverage on Tract 4. However, because this tract is five acres and the existing and proposed structure or not overly large, it appears there is ample open space on the property.

**Finding #7** – While the applicant does not provide the dimensions for all of the existing and future structures on the subject property and is unclear about the location of the proposed bathroom septic system, there appears to be sufficient open space based on consideration of lot dimensions, estimated structure dimension and applicable lot coverage requirements.

**iv. Fencing/Screening**

The application states, "Fencing surrounds the perimeter of our land and with limited cross fencing. Tracts 4 and 4E currently has barb wire fencing on three sides of the property, the north south and west. Tract 4E contains a wood fence along the east side of the house that separates the ceremony area and the reception area.

The applicant further states, "The large trees on the east side of the 40 acres completely shield view of our barn from east neighbors. [O]ur neighbor to the northwest has heavily forested land south of his cluster of at least 8 buildings. Similarly, the neighbor to our southwest has very heavily forested area surrounding his home, obscuring his view entirely of our barn. In short, no neighbor can clearly see our barn unless a concerted effort and walking through the woods is first accomplished. However, we will be adding 15-20 tall (at least 12') mature pine trees in March 2016 to the NW corner of our property. It should be noted that much of the vegetative screening mentioned by the

applicant is not on the two parcels subject to the request. However, the site visit revealed what appears to be an adequate vegetative buffer between the proposed ceremony site and the proposed reception location from adjacent properties.

**Figure 6:** Location of vegetative buffer



Additional landscaping to serve as screening may be appropriate, considering the intent of the greenbelt provisions outlined in Section 5.05. Although the property is SAG-5, approval of the conditional use permit would allow a commercial use adjacent to residential uses, and it would appear beneficial to require screening with view obscuring conifers trees and shrubs between the subject property and adjacent residential uses. Any additional fencing constructed on the property would be required to comply with Section 5.04 [FCZR].

**v. Landscaping**

There are currently trees located along the west and south edges of the subject property and around the 'Caretaker's Facility'; most of the property is open space. The applicant states, "Landscaping is very limited, and only surrounds the Caretaker's Facility. Professional landscaping includes several perennial shrubs and a few "tubs" of annual flowers. There are a few birch trees in yard of Caretaker's Facility." Neither the 'Recreational facility, high impact' nor the 'Caretaker's Facility' has specific landscaping requirements. The applicant is not proposing any additional landscaping on the property. The applicants have planted additional pine trees north and west of the proposed reception area.

Additional landscaping to serve as screening may be appropriate, considering the intent of the greenbelt provisions outlined in Section 5.05. Although the property is SAG-5, approval of the conditional use permit would allow a commercial use adjacent to residential uses, and it would appear beneficial to require screening with view obscuring conifers trees and shrubs between the subject property and adjacent residential uses.

**Finding #8** – The current fencing/screening and landscaping on the subject property does not appear adequate to completely shield the commercial use from adjacent residential uses because there are gaps along the property boundaries, especially to the south.

**vi. Signage**

Currently the property has a sign over Myers Lane marking the entrance to the Ten Arrows Ranch Subdivision. The existing sign according to the applicant is 16.5 feet off the ground suspended from an entry structure. The sign appears to be about 1.5 feet wide by 5 feet long. The total surface area of the sign is 7.5 square feet. According to Section 5.11.010(10) FCZR, “*Signs identifying the entrances to subdivisions bearing only the name of the subdivision and the distance and direction to the subdivision. [...]. Where on-premise, such signs shall not exceed 60 feet per sign face and no part of the sign structure may exceed 16 feet in height unless affixed to or suspended from a gate or other entry structure.*” The current sign appears to comply with the zoning regulations for subdivision signs.

Directional signs are permitted within a SAG-5 district per Section 5.11.040(1)(c), but are limited in size and number. Eight directional signs are permitted on signposts and cannot exceed 12 feet in height. The definition of rural directional signage found in Section 7.18.060(16) FCZR states, “*Rural directional signage means, in agricultural and suburban agricultural zoning districts, slat type directional signs which do not exceed eight inches in height and 36 inches in length.*”

The application states, “There may be small temporary signs on wedding days indicating the name of the bride and groom, if they put it up on their own. We will have small parking/directional signs once guests drive well onto the property. Specific wedding signs placed at road intersections, if any, will not be up for more than 24 hours. We will not allow, by signed contract, any signs along any public roads that are larger than allowable sizes as acceptable to County standards.”

Staff also witnessed during the site visit way-finding signs that the applicant mentions in the response to traffic circulation. The way finding signs are small and mounted to a post (see Figure 7 below). Per Section 5.11.010(6) FCZR, “*On-premise signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall not exceed 16 square feet.*” The on-premise way finding signs appear to comply with the applicable signage requirements.

**Figure 7:** Existing way finding signs on site



**Finding #9** – While the current signage on the property appears appropriate additional rural directional signs, directing guests to the event will be required to meet the criteria for signs found in Section 5.11.040(1)(c) and 7.18.060(16).

### **Lighting**

The application states, “There is lighting inside the barn and a few strings of small bulb Christmas lights in the corral, adjacent to the barn. For safety, we will install a porch light outside the proposed 12’X24’ bathrooms. All exterior building lights will be hooded as per County standards.

**Finding #10** – Any visual impacts from the proposed lighting appear to be mitigated by complying with the requirements found in Section 5.12 [FCZR].

## **C. Availability of Public Services and Facilities**

### **i. Sewer**

The application states, “Working with the Environmental Health Department of Flathead County and according to their requirements and inspections, we will be

installing a dedicated septic system to service outdoor toilets and sinks, small dressing cabin, and more than 12 months later, for Accessory Home and Guest Cabin as a condition of our Permit on Parcel A. A licensed Engineer will secure all permits and inspections will be done by FC Environmental Health.” The applicant is proposing to install a new septic field and bathroom on the same lot as the barn and where the wedding receptions will take place. The applicant has not indicated the location or size of the drainfield for the new restroom facilities nor the exact location of future drainfields for the ADU and Guest Cabin.

Comments from the Flathead City-County Health Department state, “This proposal affects separate parcels of land, each having an individual approval by Certificate of Subdivision Approval issued by Montana DEQ. Parcel B of COS 17853 (Tract 4) has approval for two (2) individual dwelling units and Parcel C of COS 17853 (Tract 4E) has approval for one (1) individual living unit. The proposed change in development requires review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal storm water drainage and solid waste. An environmental consultant must be retained for this process.”

**ii. Water**

If the permit is granted, the applicant is proposing to install restrooms on the same lot, Tract 4, as the barn and where the wedding receptions will take place. The application states, “We have very good well on our property, putting out more than 60 gallons a minute. We keep hoses attached to frost-free faucets and they are clearly visible. There are multiple faucets on the primary home/caretaker’s facility and small log dressing cabin, as well as several free standing spigots up approximately 3’ off the ground. Since we will not be doing any catering, water will not need to be tested.”

**Storm Water Drainage**

Storm water drainage is proposed to be managed onsite. The application states, “Soil is very sandy. Drainage is very good.” However, as part of the change in use on the property, further review of the storm water drainage will be accomplished under the Sanitation in Subdivisions Act which addresses storm water drainage.

**Finding #11** – Existing sewer, water and storm drainage services appears to be inadequate because the Flathead City-County Environmental Health Department indicated the facility is required to be reviewed and approved under the Sanitation and Subdivision Act before the subject property can be utilized for the proposed use.

**iii. Fire Protection**

The subject property is currently served by the Bigfork Fire Department. The nearest fire station is located at the corner of Swan View Trail and Echo Lake Road, approximately 1.25 miles northeast of the subject property. Due to the location of the property off McCaffery Road, it is anticipated response times in the event of an emergency would not be unreasonably long.

Most recent comments from the Bigfork Fire Department suggest that the Fire Department will rely on State building inspectors and the Fire Marshall for technical assistance in determining the most appropriate requirements for this proposed use.

Past comments from the Bigfork Fire Department state, “I approve the request from Alana and William Myers for a conditional use permit to establish a ‘Recreational facility, high impact’ and ‘Caretaker’s Facility’ on a zoned lot for SAG-5 Suburban Agriculture. I have met with the Myers family and they have addressed my concerns in their request.” The Bigfork Fire Department provided a letter (dated 5.21.2014) to the applicant regarding concerns that were addressed during a meeting with the applicant and a state building inspector. The items discussed per the letter are:

- “- Barn area for reception
  - A. Structural integrity is good
  - B. Classified as an A# occupancy (up to 300 people)
  - C. Required to have signs posted above each door that they must remain open at all times.
  - D. Handicap access ramps need to be added at both doors.
  - E. Approved a change of permit for building only. This must be sent to Helena. Paperwork was left with homeowner.
- Additional structure to be built
  - A. Must submit drawings to the stat for approval
  - B. Must meet county planning, zoning and health department requirements.
- Tent code requirements for tents
  - A. Can look up on building permit website link
- Parking area
  - A. Must be kept mowed
- Access to different areas
  - A. Must keep open for emergency vehicle access
- Area off the entrance of McCaffery Road can be used for Alert landing zone.”

The applicant has stated the existing barn was inspected by the Montana State Building Inspector, who indicated a couple of minor items need to be done to use the barn for receptions. In order to ensure adequate fire protection the applicant shall be required to show proof that the facility meets all applicable and current requirements of the Fire Department and the state building inspector and Fire Marshall. It should be noted that the future “hay barn” will be required to meet the same requirements and that the applicants must submit copies of all applicable building permits and inspections reports prior to using this structure for wedding events.

**Finding #12** – The proposed uses appear to have minimal acceptable impacts on public services and facilities because the barn has been inspected by a state building inspector who indicated the occupancy rate of the barn is 300 and the applicant would need to limit the number of guests, and the Bigfork Fire



Department has met with the applicant and they have reached an agreement to address the department's concerns.

**iv. Police Protection**

The subject property is within the jurisdiction of and currently served by the Flathead County Sheriff's Department. Delayed response times may be anticipated in the event of an emergency due to the property's location in a rural area of the County.

**v. Streets**

The subject property is located on Myers Lane a 20 foot wide, paved two lane private road within a 60 foot private road and utility easement. Myers Lane has no other traffic beside the traffic generated from the proposed 'Caretaker's Facility.' The paved portion of Myers Lane ends approximately 225 feet north of the subject property but the private road and utility easement extends to the north property line of the subject property.

Myers Lane is accessed from McCaffery Road. In 2007 prior to final plat approval, of Ten Arrows Ranch Subdivision, the applicant obtained an approach permit for Myers Lane from McCaffery Road. McCaffery Road is a 24 foot wide paved two lane county collector and is maintained by the Flathead County Road and Bridge Department. County collectors have a higher carrying capacity than local and private roads. Additionally the County Road and Bridge Department has previously stated that both McCaffery Road and Echo Lake Road have low traffic volumes which are not currently near capacity.

**Finding #13** – The proposed uses appear to have acceptable impacts on public services and facilities because the Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is legally accessed by a private road via McCaffery Road, a paved county collector.

**D. Immediate Neighborhood Impact**

**i. Excessive Traffic Generation**

The subject property is accessed from Myers Lane via McCaffery Road and Echo Lake Road. The subject property is located on Myers Lane a 20 foot wide, paved two lane private road within a 60 foot private road and utility easement. The applicant owns all of the lots that are accessed from Myers Lane and only one residence is currently located on the road. McCaffery Road and Echo Lake Road are both 24 foot wide, paved two lane county collector. Comment received from the Flathead County Road and Bridge Department states, "At this point the County Road Department does not have any comments on this request."

According to a study conducted by the Flathead County Road and Bridge Department between August 19, 2012 and September 2, 2012, McCaffery Road has 1,140 average daily vehicle trips and Echo Lake Road has 2,760 average daily vehicle trips. Only one residence is currently located on Myers Lane, the proposed 'Caretaker's Facility'. The traffic generated by the proposed 'Caretaker's Facility' would be approximately 10 vehicle trips per day based on



standard trip generation calculations for single family residences. Therefore it is assumed that the average daily trips on Myers Lane is currently 10, typical of residential conditions.

Staff utilizes Institute of Transportation Engineers (ITE) Trip Generation Manual 5<sup>th</sup> Edition to calculate approximate average daily traffic generated by a proposed use. Staff was unable to find a similar use to the 'Recreational facility, high impact' in the manual to use as a basis for a calculation of average daily trips.

The application states, "Average number of cars coming to weddings has been about 40-45. Highest number of cars counted was under 72, including our own vehicles on the property." This would translate to a maximum of 144 vehicle trips per event generated by the wedding facility. The applicant stated that they will limit the amount of guest per event to 250. If each vehicle averaged three passengers per event, this would translate into approximately 82 vehicles traveling to and from the property, or 164 total vehicle trips per event. Additional traffic would most likely be generated by other service providers coming to and from the property leading up to as well as after a scheduled event.

Traffic generated by the proposed uses using staff's calculation would result in an increase of approximately 14.3% of the current average daily traffic for McCaffery Road and 5.9% of the current average daily traffic for Echo Lake Road. The Flathead County Road and Bridge Department has previously stated that both McCaffery Road and Echo Lake Road are at low traffic volumes, are not currently near capacity and the traffic typically generated by the wedding facility would be during off-peak hours. The Road and Bridge Department does not have any comments regarding this request. While collectors have a higher carrying capacity than local and private roads, it is difficult to determine precisely how many vehicle trips will be generated from the proposed wedding facility based on the numbers provided by the applicant.

It would appear that traffic generated by the proposed use would have the greatest impact for congestion when guest arrive for the event primarily because there would be a scheduled starting time. It appears much less likely that there would be a potential for congestion as guest leave the event. However, public comments received to date indicate that certain events result in a noticeable increase in the amount of traffic in the area.

**Finding #14** – Traffic generated by the proposed 'Caretaker's Facility' appears to not have an adverse impact on the immediate neighborhood because the 10 trips generated by the use would not be out of character with the suburban agricultural area.

**Finding #15** – Traffic generated by the wedding facility appears have an adverse impact on the immediate neighborhood. However, the Flathead County Road and Bridge Department has stated that both McCaffery Road and Echo Lake Road are currently at low traffic volumes and not currently near capacity,

the traffic generated by the wedding facility would be off-peak hour, and collectors have a higher carrying capacity than local and private roads.

**ii. Noise or Vibration**

It is not anticipated that the ‘Caretaker’s Facility’ would generate any excess noise or vibrations out of character for a residential area because the caretaker’s facility is residential.

The application states, “[noise and vibration] This has been the main—and understandable—complaint of neighbors. We propose, as a condition of our Permit, to require all music off at 10:15 p.m., with no amplification of music outside the barn during receptions. There will usually-but not always-be amplification during the ceremonies held outdoors, generally lasting no more than about 15-20 minutes. As a condition in the contract with the bridal party, we will require amplifiers in the field now located on Tract 4E to face south toward an empty hayfield. Further, we propose as a Condition for our Permit to limit the attendees to 250 guests, even though the Bigfork Fire Department approved 300 for existing barn. With music required to be off at 10:15 p.m., the reception will quickly end; however, we will state in our contract that all guests must be departed from the property by 11 p.m. and that no honking may accompany bridal couple’s departure.” Public comment received to date appears to indicate that the noise generated from amplified music can be heard a large distance from the facility.

**Finding #16** – The noise and vibrations generated by the proposed wedding facility would likely be a nuisance and adversely impact the immediate neighborhood because requiring all amplified noise to be constrained within the barn would likely not effectively mitigate noise since the doors will be required to remain open by the Bigfork Fire Department and the hours proposed would only serve to limit the duration of the noise nuisance.

**Finding #17** – The noise and vibrations generated by the proposed ‘Caretaker’s Facility’ are not inappropriate because the residence is not out of character with the neighborhood.

**iii. Dust, Glare or Heat**

Excessive glare or heat is not anticipated with the addition of the ‘Caretaker’s Facility’ and wedding facility. The proposed ‘Caretaker’s Facility’ is accessed via a paved driveway and dust is unlikely to be generated from that use. The parking area and driveway for the proposed wedding facility is unpaved and has the potential to generate dust.

The application states, “There will not be any additional dust, glare or heat generated by the use of property for events. The paved road leading to the barn and reception area is a county approved/standard paved road. Potential dust generated by traffic on the grass fields will be mitigated by watering the area in dry weather before any event. Hooded lights will be installed on outside walls of bathroom, barn, and dressing cabin, and the eventual “hay barn” built for year-around use.” Comments received from FCCHD state, “Fugitive dust from traffic and unpaved parking areas must be controlled.”

Per Section 6.13.010(3) FCZR businesses located within a B, BR, CVR, CCC, I and P zoning designation require that all parking areas and access driveways shall have at a minimum, “A smoothly graded stabilized dust free surface that has been treated with dust retardants or paved.” Requiring paving for the parking lot and driving lanes seems unreasonable as it is not necessarily required for uses in business zones. Therefore dust abatement through other means such as treating the parking and driving area with dust retardants seems appropriate.

**Finding #18** – The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to dust, glare and heat because dust could be adequately mitigated through imposition of conditions, no dust is anticipated to be generated by the caretaker’s facility and no heat or glare is anticipated due to the nature of the proposed use and associated structures.

**iv. Smoke, Fumes, Gas, or Odors**

The application states, “No open fires will be allowed during any event. No fireworks of any kind will be allowed by signed contract. Owners will be onsite during entire wedding and reception to monitor any infraction regarding fireworks, smoking in barn, or music. Gas is not anticipated to be generated with the addition of the ‘Caretaker’s Facility’ and wedding facility. The proposed use is not anticipated to have an adverse impact on the surrounding neighborhood with regard to these types of emissions.

**Finding #19** – The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to smoke, fumes, gas or odors because the wedding facility and ‘Caretaker’s Facility’ would generate minimal smoke, fumes, gas and odors that would not have adverse effect on neighbors.

**v. Inappropriate Hours of Operation**

While hours of operation are not applicable for the proposed ‘Caretaker’s Facility’ because it is a residential use, imposed hours of operation may be appropriate for the ‘Recreational facility, high impact’ because it is adjacent to neighboring residential uses. The application states, “We will require, by contract, any party having music only inside the barn during reception, and off by 10:15 p.m. However, fire department does require two open doors to barn. All guests will be departed by 11:00 p.m.”

The applicant clarified the number of events they would have in an email dated April 13, 2016. They are requesting approval of “26 weddings per year once the year-around building is complete, and no more than 20 weddings during the 7 months of April-October until the year-around building is complete. They have also offered to supply the Department with a schedule of their events.

**Finding #20** – The proposed hours of operation for the wedding facility may have an immediate impact on the neighborhood because of the rural residential nature of the property and immediate vicinity.

**Finding #21** – The hours of operation for the proposed ‘Caretaker’s Facility’ are not inappropriate because the residential use is not out of character with the neighborhood.

## **V. SUMMARY OF FINDINGS**

1. At present, Tract 4E does not have adequate usable space for the proposed ‘Caretaker’s Facility’ because in SAG-5 districts the parcel on which the caretaker’s facility is located shall be double the lot size of the underlying district minimum lot size, the minimum lot size in a SAG-5 district is 5 acres and the tract would need to be at least 10 acres.
2. While the application does not provide the dimensions for all of the existing structures or the future ADU and Guest House, there appears to be adequate usable space on visual observation and consideration of lot dimensions and applicable setback requirements of the SAG-5 district.
3. There is adequate access for the proposed uses because, even though the paved segment of the private road and utility easement ends 225 feet north of the subject property, the easement extends to the north property line of the subject property and there is adequate sight distance for vehicles to safely enter and exit the property.
4. The property appears to have no environmental constraints because the property is flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.
5. The parking scheme appears acceptable because the parking area allows for approximately 108 parking spaces for the wedding facility and 105 spaces would be required, the ‘Caretaker’s Facility’ contains a two car garage, the parking spots shall be demarcated and the parking and traffic surfaces can be required to be treated with dust abatement measures prior to each event. The future ADU and Guest House will be required to provide adequate parking.
6. The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can be required to meet standards set forth in Appendix A [FCZR] regarding parking spaces and traffic aisle dimensions and demarcation.
7. While the applicant does not provide the dimensions for all of the existing and future structures on the subject property and is unclear about the location of the proposed bathroom septic system, there appears to be sufficient open space based on consideration of lot dimensions, estimated structure dimension and applicable lot coverage requirements.
8. The current fencing/screening and landscaping on the subject property does not appear adequate to shield the commercial use from adjacent residential uses because there are gaps along the property boundaries and no additional landscaping, fencing or screening is proposed to address the existing gaps.
9. While the current signage on the property appears appropriate additional rural directional signs, directing guests to the event will be required to meet the criteria for signs found in Section 5.11.040(1)(c) and 7.18.060(16).
10. Any visual impacts from the proposed lighting appear to be mitigated by complying with the requirements found in Section 5.12 [FCZR].

11. Existing sewer, water and storm drainage services appears to be inadequate because the Flathead City-County Environmental Health Department indicated the facility is required to be reviewed and approved under the Sanitation and Subdivision Act before the subject property can be utilized for the proposed use.
12. The proposed uses appear to have minimal acceptable impacts on public services and facilities because the barn has been inspected by a state building inspector who indicated the occupancy rate of the barn is 300 and the applicant would need to limit the number of guests, and the Bigfork Fire Department has met with the applicant and they have reached an agreement to address the department's concerns.
13. The proposed uses appear to have acceptable impacts on public services and facilities because the Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is legally accessed by a private road via McCaffery Road, a paved county collector.
14. Traffic generated by the proposed 'Caretaker's Facility' appears to not have an adverse impact on the immediate neighborhood because the 10 trips generated by the use would not be out of character with the suburban agricultural area.
15. Traffic generated by the wedding facility appears to have an adverse impact on the immediate neighborhood. However, the Flathead County Road and Bridge Department has stated that both McCaffery Road and Echo Lake Road are at currently at low traffic volumes and not currently near capacity, the traffic generated by the wedding facility would be off-peak hour, and collectors have a higher carrying capacity than local and private roads.
16. The noise and vibrations generated by the proposed wedding facility would likely be a nuisance and adversely impact the immediate neighborhood because requiring all amplified noise to be constrained within the barn would likely not effectively mitigate noise since the doors will be required to remain open by the Bigfork Fire Department and the hours proposed would only serve to limit the duration of the noise nuisance.
17. The noise and vibrations generated by the proposed 'Caretaker's Facility' are not inappropriate because the residence is not out of character with the neighborhood.
18. The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to dust, glare and heat because dust could be adequately mitigated through imposition of conditions, no dust is anticipated to be generated by the caretaker's facility and no heat or glare is anticipated due to the nature of the proposed use and associated structures.
19. The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to smoke, fumes, gas or odors because the wedding facility and 'Caretaker's Facility' would generate minimal smoke, fumes, gas and odors that would not have adverse effect on neighbors.
20. The proposed hours of operation for the wedding facility may have an immediate impact on the neighborhood because of the rural residential nature of the property and immediate vicinity.

21. The hours of operation for the proposed 'Caretaker's Facility' are not inappropriate because the residential use is not out of character with the neighborhood.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for a 'Recreational facility, high impact' (wedding facility) and 'Caretaker's Facility' on the subject property is supported by most but not all of the review criteria and the Findings of Fact listed above. According to Section 2.06.100 of the Flathead County Zoning Regulations, *"Every decision of the Board of Adjustment pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based on upon the 'Findings of Fact,' and every Finding of Fact shall be supported in the records of its proceedings."*

If the Flathead County Board of Adjustment choose to adopt staff report FCU-14-08 as Findings of Fact and approve the Conditional Use Permit, then based on public comments and board discussion the following draft conditions could ensure appropriate measures to mitigate impacts. Due to the unique nature of the proposal it may be appropriate for the Board of Adjustments to limit duration and number events and condition 18 is intended to address that.

## **VII. CONDITIONS**

1. Construction of the wedding facility as a 'Recreational facility, high impact' and 'Caretaker's Facility' on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the SAG-5 Suburban Agricultural zoning designation [FCZR Section 3.08].
4. The applicant shall limit the number of guests for wedding events to 150 guests to reduce impacts from traffic generated by the 'Recreational facility, high impact.'
5. The applicant shall limit the number of events to no more than 20 during the months of April through October. The applicant shall limit the number of events to no more than 26 per calendar year upon the completion of the "hay barn."
6. The subject property shall have a minimum of 108 parking spaces to accommodate the vehicles generated by the proposed use in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].
7. All vehicular access for the 'Recreational facility, high impact' including internal traffic circulation areas, and parking areas shall be clearly established and demarcated through the use of materials appropriate for events in a rural setting in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.
8. The applicant shall widen the access used for the 'Recreational facility, high impact' to a

minimum of 20 feet to allow for compliant two-way ingress and egress.

9. The proposed use shall be re-reviewed by the Flathead County Road and Bridge Department in order to obtain an updated approach permit applicable to 'Caretaker's Facility' and 'Recreational facility, high impact' onto McCaffery Road. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry as cited in the application and discussed in the evaluation of the conditional use permit request. Copies of the approved permits, applicable inspection reports, and certificates of occupancy for the existing barn, the restroom facilities, the "dressing cabin," and the future "hay barn shall be submitted to Flathead County Planning and Zoning.
11. The applicant shall adhere to all requirements at the Bigfork Fire Department in regard to fire safety and facility access as cited in the application and discussed in the evaluation of the conditional use permit request.
12. The 'Caretaker's Facility' and 'Recreational facility, high impact' shall be reviewed by the Flathead City-County Department of Environmental Health and Montana Department of Environmental Quality in order to obtain a COSA applicable to the proposed uses. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
13. Applicant shall be required to construct bathroom facilities on the subject property for the 'Recreational facility, high impact' in accordance with Flathead City-County Department of Environmental Health and the State Building code.
14. Tracts 4 and 4E shall be aggregated prior to the utilization of the 'Caretaker's Facility' and 'Recreational facility, high impact' in order to comply with Section 4.04.010(2) of the Flathead County Zoning Regulations.
15. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 and meet the definition set forth in Section 7.18.060 of the Flathead County Zoning Regulations.
16. All lighting on the subject property shall be shielded or hooded in accordance with the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
17. The applicant shall landscape the edges of the property in accordance with the 'greenbelt' provisions in Section 5.05 FCZR in order to screen the commercial events from neighboring residential properties.
18. The parking site shall incorporate the frequent use of dust control techniques in compliance with applicable Flathead County Air Quality Regulations. Event operators shall be responsible for frequent watering of the ingress/egress locations, internal traffic circulation areas, and parking areas in conjunction with each wedding event, as conditions warrant.



19. All amplified music shall be limited to inside the barn. Any amplification of the ceremony shall be directed to the sound to the south.
20. All music shall end no later than 10:00 p.m. and all guests are required to leave the property no later than 11:00 p.m.
21. The Conditional Use Permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
22. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: MM